

Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 4th June 2013

Subject: Licensing Roundup

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. In the last 12 months the Council has managed a number of significant changes to the legislation that governs licensing. This report looks back over those challenges and looks forward to the year ahead, specifically in relation to alcohol, entertainment, gambling, sex establishments, scrap metal dealers and taxi and private hire licensing.

Recommendations

2. That Licensing Committee notes the contents of this report.

1 Purpose of this report

- 1.1 This report informs Licensing Committee of the challenges and changes that the licensing authority have dealt with in the last twelve months and looks forward to the next 12 months.

2.0 Background information

- 2.1 In the last year the licensing authority has faced a number of challenges. Entertainment Licensing has seen major changes to the Licensing Act 2003, the casino process was started and moved through stage 1 into stage 2, licensed seven lap dancing clubs and we saw an increase in scrap metal dealer applications. Taxi and Private Hire Licensing has implemented a new IT system, commenced a review of all the licensing policies and undertaken a recruitment process for new Enforcement Officers.
- 2.2 In the coming year we will see the finalisation of a new policy on sex establishments, a new Licensing Act 2003 licensing policy and with it the new cumulative impact policies. There is also the question of whether to implement a late night levy to help contribute to the costs of policing the night time environment. We will implement the new Scrap Metal Dealers Act and issue a provisional statement leading to a premises licence for the large casino. Taxi and Private Hire Licensing will improve IT systems, review licensing policies, refine processes and implement a new enforcement policy.

3.0 Main issues

Alcohol Licensing

- 3.1 The Government's Alcohol Strategy has brought a number of significant changes to the Licensing Act 2003. The majority of these were brought into effect at the end of April 2012. Apart from necessitating the need to retrain staff, rewrite guidance and review the licensing policy, the full impact of the changes hasn't been felt yet.
- 3.2 We have not noticed an increase in the number of people making representations to licensing applications now that the vicinity test has gone, but this may be because in most cases the only people interested enough to make an objection are those living within the vicinity for the subject premises.
- 3.3 With the ability to suspend licences on the non-payment of fees we have been more successful at collecting annual fees than ever before. This year has been busy with Enforcement Officers having to take action in a number of cases before the fee is paid, but in coming years this work should decrease as the premises licence holders realise that not paying their fee is no longer an option.

- 3.4 Applicants are now expected to take into consideration the local area when making their applications and the ability for licensing authorities to make representations has opened the door for officers to meet with applicants earlier in the process, arrange multi agency meetings and to more closely advise applicants in the content of their operating schedules. We believe that this will, in the long term, lead to better quality applications, leading to fewer representations and fewer subcommittee hearings. This will be a time and money saver for the council.
- 3.5 In the coming year we hope to be able to review and increase the fees for premises, personal and TEN applications. The Government is giving councils the ability to set their own fees. We are yet to see the regulations but we believe the system will be similar to the current one, based on non-domestic rateable value, but we will be able to charge a fee that covers our costs to a maximum level set by the regulations. This will be much welcome as the fees have not changed for seven years despite our own costs increasing.
- 3.6 Throughout 2012 we licensed 33 outdoor events with capacities up to 79,999 persons. For all of these events we engaged with partner agencies and the promoters and attended multi agency meetings both pre and post event. Officer attendance at licensed events is risk based and enforcement officers attended 22 events. Members of the multi-agency forum worked in partnership carrying out event inspections maintaining regular liaison with the licence holder.
- 3.7 A typical example is the Leeds Festival held at Bramham Park over the August Bank Holiday weekend. In 2012 a number of operations co-ordinated by the promoter and agencies ensured a safe and successful event and included an improved traffic management plan, an anti-touting operation and trader entry checks by Her Majesty's Revenue and Customs, Vehicle and Operator Services Agency, HM Court Services and Trading Standards.
- 3.8 Under the Licensing Act 2003, from 1st April 2012 to 31st March 2013 we processed:
- 183 new grants or variations
 - 69 minor variations
 - 760 transfers and designated premises supervisor changes
 - 523 personal licences
 - 1,164 standard Temporary Event Notices
 - 275 late Temporary Event Notices
 - 52 subcommittee hearings
 - 8 reviews
 - 10 appeals
 - 1 judicial review
- 3.9 We had:
- 84 premises licences surrendered
 - 4 lapsed premises licences
 - 92 premises licences suspended by the licensing authority due to non-payment of annual fee

- 3.10 The Enforcement Team dealt with:
- 507 individual premises inspected
 - 459 meet and greet visits (for new DPSs)
 - 22 outdoor events (licensing compliance checks)
 - 242 complaints
 - 2 prosecutions
 - 260 notice checks

- 3.11 We currently licence:
- 2,453 alcohol licensed premises
 - 215 registered clubs
 - 6,369 personal licences

Regulated Entertainment

- 3.12 Last year, the Live Music Act 2012 was enacted which saw an exemption being introduced for live music on licensed premises not requiring a licence between 8am and 11pm for audiences under 200 people.
- 3.13 In the next year we expect that regulated entertainment will be further deregulated, with certain forms of regulated entertainment being exempted from the Licensing Act providing they are offered between 8am and 11pm and for audiences of under 500 (1,000 for indoor sport). Mixed Martial Arts will fall under the boxing and wrestling category and will not receive an exemption.
- 3.14 Many of these forms of regulated entertainment are considered very low risk and so this deregulation will have very little impact on the public or on licensees. The concern is mainly with noise which is unlikely to be affected by this change.

Gambling

- 3.15 Last year saw the start of the large casino licensing process, although officers have been preparing the necessary processes and documents for a number of years. Stage 1 of the process was completed in June 2012 and Stage 2 completed in February this year. At the time of this Licensing Committee the winning applicants will have been announced. The next step will be to award a premises licence to the successful applicant.
- 3.16 There has been a gradual increase in the number of betting shops since we started processing applications under the Gambling Act in 2007. At that time there were 98 betting shops throughout the Leeds district and by 2010 this had increased to 106, but reducing to 104 by 2012. The application granted in 2012 was to a premises replacing one that had closed.

- 3.17 Under the Gambling Act 2005 in 2012 we processed:
- 8 new premises licence applications
 - 1 reinstatement (after late payment of fee)
 - 3 variation applications
 - 1 transfer application
 - 16 permits (including licensed premises gaming machine permits, club gaming permits, club machine permits and unlicensed family entertainment centres)
 - 62 Small society lotteries
- 3.18 We have 136 premises licensed to permit gambling in Leeds with:
- 104 betting shops
 - 19 amusement arcades (adult gaming centres)
 - 5 casinos
 - 6 bingo halls
 - 2 tracks
- 3.19 We have 736 permits, notices and registrations:
- 192 permits (including licensed premises gaming machine permits, club gaming permits, club machine permits and unlicensed family entertainment centres)
 - 285 notices of 2 or less gaming machines in alcohol licensed premises
 - 259 Small society lotteries

Scrap Metal

- 3.20 The current system of registering scrap metal dealers is a paper exercise with no ability for the authority to refuse a registration. This is set to change in October 2013 with a new Scrap Metal Dealers Act 2013 which combines the current Act with the Motor Salvage Operators Act. This new regime is a licensing scheme, rather than a simple registration and will require a police check. There will be two types of licence, one for scrap metal yards and one for itinerant collectors (who collect door to door). We will have the ability to set a reasonable fee.
- 3.21 This is much welcomed as the rising cost of metal has led to numerous metal thefts. The theft of metal, especially from power stations and railway tracks can be life threatening for the perpetrator as well as inconvenient for everyone else. This new regime brings measures which hope to curb the sale of stolen metal.
- 3.22 Under the current Scrap Metal Dealers Act 1964 we have 103 scrap metal dealer registrations and 13 motor salvage operators who will be incorporated into the new regime.

Sex establishments

- 3.23 Last year we adopted the new provisions in the legislation which allowed us to licence lap dancing clubs as sex establishments. A policy was adopted which called for each case to be dealt with on its own merits, and we subsequently licensed seven establishments under the new regime. In the last 12 months our Enforcement Team has been working closely with the clubs to ensure they comply with the new extensive conditions.

- 3.24 We have also consulted with the people of Leeds through the Citizen's Panel, and the result is a draft revised policy which, amongst other things, sets a limit of four premises, bans the practice of fining and prohibits any touching between customer and dancer. The new policy will be presented to Licensing Committee at the end of June for referral to Executive Board for approval.
- 3.25 As a sex establishment licence expires after 12 months, the existing lap dancing clubs will be required to renew their licences in October when the new policy and standard conditions will apply (if approved).
- 3.26 Under the Local Government (Miscellaneous Provisions) Act 1982 we licence:
- | | |
|---|-------------------|
| 7 | lap dancing clubs |
| 5 | sex shops |
| 0 | sex cinemas |

Charitable Collections

- 3.27 Another part of our work is to register house to house collections and street collections. A house to house collection is where people go from door to door and collect money or goods for the benefit of charities. This can include the bag collections we get so many of. We also register people who wish to collect in the street. We have a successful voluntary local agreement with the Professional Fundraising Regulatory Association who control the direct debit charity collectors (also known as 'chuggers') in the city centre. Although there is no legislation to control these collectors the PFRA is very active in preventing them from becoming a nuisance.
- 3.28 Each year we process
- | | |
|-----|----------------------------|
| 31 | house to house collections |
| 214 | street collections. |

Taxi and Private Hire Licensing

- 3.29 In the last year, Taxi and Private Hire Licensing has seen the implementation of a new licensing system; introduced to create improved administrative efficiencies directly impacting on the amount of time licence holders need to spend at our front counter and decreasing the waiting time for others. We successfully managed the associated staff training as part of a change management programme.
- 3.30 The Section also commenced a review of all of our policies, including three month consultation periods and presentation of reports to Licensing Committee.
- 3.31 We have undertaken a recruitment process to ensure that our staffing levels are in line with the approved structure. The Licensing Officer vacancies have been successfully filled and whilst the progression the three Enforcement Officer vacancies proved difficult, three applicants were offered a position in late 2012. Unfortunately two of these applicants did not take up the post and interviews are currently underway to fill these.

- 3.32 In the coming year, Taxi and Private Hire Licensing will commence the implementation of phase 2 of the new licensing system to further improve our IT capability, reduce footfall and create opportunities for quality transactions and appropriate decision making.
- 3.33 We will also complete the review of our licensing policies, incorporating a full review of private hire operator conditions which were originally created in the 1990s. This is a significant piece of work to ensure that the conditions are brought up to date i.e. in line with technological advances and other updates.
- 3.34 We will also refine our processes and procedures in line with updates from the Disclosure and Barring Service (DBS).
- 3.35 The section is working on a new Enforcement Policy which will draw together key themes of best practice, legislation, service plan actions and the wider vision for Leeds. As part of this, the extent of our enforcement activity needs to be more aligned to our 24 hour city where the licensed trade operate over 7 days/ 7 nights. We are keen to bring in expert consultants to assist with the creation of a staff rota to cover a variety of shift patterns, sickness and annual leave. A working group has been formed to look into further options in respect of postal renewals, 3 year licences and the associated administration checks.
- 3.36 In 2012, the section issued in excess of 10,000 Hackney carriage and private hire licences. However, the volume of private hire licences issued has seen a decline in recent years and this has been attributed to the general economic downturn.

	Private Hire Drivers	Private Hire Vehicles
2005	4,003	3,332
2010	5,071	4,281
2012	4,855	3,758

- 3.37 Our section receives an average of 47 new applications per month, with each applicant attending the office for an hour long appointment with a Licensing Officer. This is in addition to the 700 - 800 renewals that the section process each month which must be submitted in person. However these events do not in total represent the volume of footfall into the office for a wide variety of other services ranging from replacing lost badges, changing operators to reporting convictions road traffic accidents and obtaining vehicle livery.
- 3.38 As of 31 March 2013, Leeds had the following numbers of licences in place: -
- 974 Hackney Carriage Drivers
 - 537 Hackney Carriage Vehicles
 - 4833 Private Hire Drivers
 - 3723 Private Hire Vehicles
 - 93 Private Hire Operators

- 3.39 Throughout 2012 the Section also took the following delegated decisions:
- 794 applications
 - 16 refusals
 - 74 suspensions
 - 37 revocations
- 3.40 In addition to the heavy footfall to the licensing office, the section receive an average of 1,800 telephone calls per month. We also receive an average of 280 emails per month.
- 3.41 The section carries out up to 450 vehicle inspections per month and further proactive enforcement activity is undertaken by means of on street inspections, investigations and operator base visits.
- 3.42 In 2012, the section carried out:
- 114 operator base visits
 - 1264 roadside checks
 - 286 investigations into complaints against the licensed trade

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 This report is for information. There are no implications for consultation and engagement relating to this report, however all licensing legislation is subject to varying levels of consultation relating to the licensing of premises and the setting of licensing policy.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 This advisory report does not have any impact for equality, diversity, cohesion and integration.

4.3 Council Policies and City Priorities

- 4.3.1 The licensing regime contributes to the following aims:

By 2030, Leeds will be fair, open and welcoming

- There is a culture of responsibility, respect for each other and the environment
- Everyone is proud to live and work

By 2030, all Leeds' communities will be successful

- Communities are safe and people feel safe

- 4.3.2 These arrangements would also directly contribute to the following city priority:

Best city... for communities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.4 Resources and Value for Money

4.4.1 This advisory report has no resource implication.

4.5 Legal Implications, Access to Information and Call In

4.5.1 This advisory report has no legal implications, other than those inherent in the licensing regime.

4.6 Risk Management

4.6.1 This advisory report has no risk implications.

5 Conclusions

5.1 2012/3 has been a year of changes. In the last year the licensing authority has seen major changes to the Licensing Act 2003, the casino process was started and moved through stage 1 into stage 2, seven lap dancing clubs were licensed and we saw an increase in scrap metal dealer applications. Taxi and Private Hire Licensing has implemented a new IT system, commenced a review of all the licensing policies and undertaken a recruitment process for new Enforcement Officers.

5.2 In the coming year we will implement the new Scrap Metal Dealers Act, issue a provisional statement and hopefully a premises licence for the large casino. We will see the finalisation of a new policy on sex establishments, a new licensing act 2003 licensing policy and with it the new CIPs. There is also the question of whether to implement a late night levy to help contribute to the costs of policing the night time environment. Taxi and Private Hire Licensing will improve IT systems, review licensing policies, refine processes and implement a new Enforcement Policy.

6 Recommendations

6.1 That Licensing Committee notes the content of this report.

Background documents¹

There are no unpublished background documents.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.